

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

United States of America

Plaintiff,

v.

Lamar Kasheif Allen

Defendant.

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CASE NO. 3:12-CR-59-PLR

MEMORANDUM AND ORDER

This matter comes before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 29, 31]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 32]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on April 14, 2016.

The defendant was convicted of distributing cocaine base, in violation of 21 U.S.C. § 841(a)(1). Defendant was held responsible for 23.7 grams of crack cocaine. At sentencing, defendant's base offense level was 21, with a criminal history category IV, resulting in an advisory guideline range of 57-71 months. The court sentenced defendant to 57 months imprisonment, at the bottom of the guidelines range. [R. 25].

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 22, yielding a total offense level of 19 (after the applicable adjustments). When combined with the defendant's criminal history

category of IV, the resulting amended guideline range is 46-57 months. Giving the defendant a comparable bottom of the guidelines range sentence, and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 29, 31] is GRANTED, and the defendant's sentence is **reduced to 46 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated February 26, 2013, shall remain in effect. **The effective date of this order is November 2, 2015.** *See* USSG § 1B1.10(e)(1).

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE